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BROWDY AND NEIMARK, P.L.L.C.  
624 NINTH STREET, NW  
SUITE 300  
WASHINGTON DC 20001-5303

In re Application of :  
Stephen J. Vesper :  
Serial No.: 09/866,793 : PETITION TO MAKE SPECIAL  
Filed: May 30, 2001 :  
Attorney Docket No.: VESPER1 :

This is in response to applicants' petition filed February 24, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based environmental quality.

Applicant petitions on the basis that the invention will enhance the quality of the environment. M.P.E.P. 708.02, Part V, gives guidance in this matter, as follows:

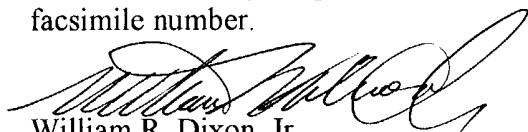
The Patent and Trademark Office will accord "special" status to all patent applications for inventions which materially enhance the quality of the environment of mankind **by contributing to the restoration or maintenance of the basic life - sustaining natural elements - air, water, and soil.**

All applicants desiring to participate in this program should petition that their applications be accorded "special" status. Such petitions should be accompanied by verified statements under 37 CFR 1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the PTO \*\* explaining how the inventions contribute to the restoration or maintenance of one of these life - sustaining elements. No fee is required for such a petition, 37 CFR 1.102(c).

Applicant's claims are directed to detection of a fungus in the environment. Mere detection without mor does not satisfy the provisions highlighted above. However, the guidance highlighted above indicates that the application must contribute to the restoration or maintenance of air, soil or water.

Applicant's petition is **DENIED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the general Office facsimile number.

  
William R. Dixon, Jr.  
Special Program Examiner  
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